

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	Criminal No. 05-10074-PBS
)	
CHARLES CARRINGTON,)	
)	
Defendant)	

GOVERNMENT'S MOTION FOR HEARING ON DEFENDANT'S
COMPETENCY TO STAND TRIAL

Now comes the United States, by its attorney, pursuant to 18 U.S.C. §4241, and moves for a hearing to determine the mental competency of the defendant to stand trial, and requests that the Court order a psychiatric or psychological examination of the defendant, and states:

1. The defendant is charged by indictment with one count of bank robbery.

2. On October 21, 2005, while testifying at a hearing on the defendant's motion to suppress statements, the defendant's expert witness testified that he had evaluated the defendant for competency and found the defendant to be incompetent. In light of this testimony, the hearing was suspended and the Court directed the government to file a motion to have the defendant evaluated for competency.

3. The legal standard for competency to stand trial has two prongs: (1) the ability to understand the nature and

consequences of the proceedings against the defendant; and (2) the ability to assist properly in his own defense. 18 U.S.C. §4241(a); United States v. Wiggin, ____ F.3d ____, 2005 WL 3073219 *5 (1st Cir. 2005).

4. Title 18, United States Code, Section 4241(b) authorizes the Court to order a psychiatric or psychological examination of the defendant to determine his competency to stand trial. The examiner shall be appointed by the Court and the examination shall be conducted in the suitable facility closest to the Court. 18 U.S.C. §4241(b). The examiner shall file a report with the Court, including findings and an opinion as to the defendant's competency to stand trial. 18 U.S.C. §4247(c).

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ William H. Connolly
WILLIAM H. CONNOLLY
Assistant U.S. Attorneys